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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
X

BROOKLYN OFFICE

BARBARA SCHWAB, et al.,

Plaintiffs,

-against-

MEMORANDUM AND ORDER CV 04-1945 (JBW)

PHILIP MORRIS USA INC., et al,

Defendants.

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JACK B. WEINSTEIN, Senior United States District Judge:

On July 13, 2005 at 10:00 a.m., the parties will appear in court to argue an appeal from the Magistrate Judge's June 17, 2005 order regarding depositions of former chief executive officers. It would be useful to have counsels' preliminary views on the questions posed in the court's memorandum of June 6, 2005. In connection with the reference to *Simon II*, that case has not been remanded to this court from the United States Court of Appeals for the Second Circuit, since, as the court is informed, a petition for an *en banc* hearing has been filed.

SO ORDERED.

Jack B. Weinstein Senior United States Judge

Dated: Brooklyn, N. Y. July 11, 2005